

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Michael Boyer, et. al.,

Plaintiffs,

vs.

Allstate Indemnity Company  
(improperly identified as Allstate  
Insurance Company),

Defendants.

\* Case No.:

\* JUDGE:

\* Todd M. Zimmerman (0068112)  
Michael J. Manahan (0021397)  
\* Rohrbachers Cron Manahan  
Trimble & Zimmerman Co., L.P.A.  
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\*

Attorneys for Allstate Indemnity Company  
(improperly identified as Allstate Insurance  
Company)

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Allstate Indemnity Company (improperly identified as “Allstate Insurance Company” and hereinafter referred to as “Allstate”), by and through its counsel, Rohrbachers Cron Manahan Trimble & Zimmerman, Co., L.P.A., hereby gives notice of its removal of the within action from the Court of Common Pleas, Ottawa County, Ohio, to the United States District Court for the Northern District of Ohio, Western Division. As grounds therefore, Allstate states as follows:

1. On April 5, 2012, an action was filed against defendant Allstate in the Common Pleas Court in the State of Ohio, Lucas County, entitled *Michael Boyer et. al. v. Allstate*

*Insurance Company*, case number 12-CV-182H and said action was commenced by service of a copy of the summons and complaint upon Allstate on April 24, 2010. A copy of all processes, summonses, pleadings and other documents served upon Allstate in this action in the Court of Common Pleas, Ottawa County, Ohio are attached hereto as **Exhibit A**. The answer of Allstate is not due until May 8, 2012.

2. The above described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and is one which may be removed to this court by petitioner defendant herein, pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action between citizens of different states, and the underlying claim, while not specifically detailed in Plaintiffs' Complaint, exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

3. The plaintiffs who are suing Allstate at the time this action was commenced, were and still are citizens of the State of Ohio. Defendant Allstate Indemnity Company, at the time this action was commenced, was and still is, a wholly owned subsidiary of Allstate Insurance Holdings LLC, a limited liability company under the laws of Delaware, which is in turn a wholly owned subsidiary of The Allstate Corporation, a Delaware corporation (see corporate disclosure statement filed concurrently with this notice) Allstate Indemnity Company's principal place of business is in the State of Illinois and Allstate was not and is not a citizen of the State of Ohio wherein this action was brought.

4. Defendant desires to remove this action into this Court as provided in 28 U.S.C. § 1441(b) and does so within the 30 day requirement.

5. Notice of Removal has been sent to all adverse parties and to the Clerk of Court, Court of Common Pleas, Ottawa County, Ohio. A true copy of said Notice is attached hereto as **Exhibit B**.

**WHEREFORE**, Defendant notifies all parties that the above action now pending in the Court of Common Pleas in the State of Ohio, in and for Ottawa County is removed to the United States District Court for the Northern District of Ohio, Western Division.

Respectfully submitted,

s/Todd M. Zimmerman

Todd M. Zimmerman (0068112)

Michael J. Manahan (0021397)

Trial Attorney for Defendant

Allstate Indemnity Company

ROHRBACHERS CRON MANAHAN

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**CERTIFICATION**

The undersigned hereby certifies that a copy of the foregoing pleading was served by regular U.S. Mail on this 8th day of May, 2012 to Sarah A. McHugh, Esq., and Emily C. Zillgitt, Esq., attorneys for plaintiffs, Maloney, McHugh & Kolodgy, 20 North St. Clair Street, Toledo, Ohio 43604.

Respectfully submitted,

s/Todd M. Zimmerman

Todd M. Zimmerman (0068112)

Michael J. Manahan (0021397)

Trial Attorney for Defendant

Allstate Indemnity Company

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